

**Illinois Department of Revenue
Regulations**

Title 86 Part 690 Section 690.101 Nature of the Salem Civic Center Retailers' Occupation Tax

TITLE 86: REVENUE

**PART 690
SALEM CIVIC CENTER RETAILERS' OCCUPATION TAX**

Section 690.101 Nature of the Salem Civic Center Retailers' Occupation Tax

a) Authority to Impose Tax

The Authority is authorized by Section 11.5 of the Salem Civic Center Law [70 ILCS 335/11.5] (the Law) to impose a tax, the Salem Civic Center retailers' occupation tax, on all persons engaged in the business of selling tangible personal property at retail in the metropolitan area on the gross receipts from sales made in the course of such business within the metropolitan area, if a proposition for the tax has been submitted to the electors of that metropolitan area and approved by a majority of those voting on the question. If imposed, such tax shall only be imposed in 1/4% increments at a rate not to exceed 1%. The tax imposed by the Authority under the Law and this Part, and all civil penalties that may be assessed as an incident thereof, shall be collected and enforced by the Illinois Department of Revenue (Department).

b) Passing on the Tax

The legal incidence of the Salem Civic Center retailers' occupation tax is on the seller. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Salem Civic Center Use and Occupation Tax Law to reimburse themselves for their Salem Civic Center retailers' occupation tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act [35 ILCS 105], pursuant to such bracket schedules as the Department has prescribed (see 86 Ill. Adm. Code 150. Table A).

c) Exclusion from "Gross Receipts"

Any amount added to the selling price of tangible personal property by the seller because of a Salem Civic Center Retailers' Occupation Tax, or because of the Illinois Retailers' Occupation Tax [35 ILCS 120], the Illinois Use Tax [35 ILCS 105], the Home Rule Municipal Retailers' Occupation Tax [65 ILCS 5/8-11-1], the Non-Home Rule Municipal Retailers' Occupation Tax [65 ILCS 5/8-11-1.3], the Metro East Mass Transit District Retailers' Occupation Tax [70 ILCS 3610/5.01], the Regional Transportation Authority Retailers' Occupation Tax [70 ILCS 3615/4.03] or the County Water Commission Retailers' Occupation Tax [70 ILCS 3720/4(b)], and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to such Salem Civic Center Retailers' Occupation Tax.

